

## Resident Selection Plan Admission & Occupancy Requirements

Project Owner: United Church Residences of Delaware, Ohio, Inc.  
Project Name: St. Michael's Community  
Project Address: 35 Lexington Blvd, Delaware, Ohio 43015-1080

Project Office No: 740-363-3748  
Fax No: 740-369-7906

**Waiting List:** It is the policy of this apartment community NOT to close their Waiting List.

**Section 504:** This apartment community does not discriminate on the basis of handicapped status in the admission or access to, or treatment or employment in its federally assisted programs and activities. The person named below has been designated to coordinate compliance with nondiscrimination requirements in regulations implementing Section 504:

Bobbi England: 1-740-382-4885, TDD/TTY 1-800-750-0750

**Title VI of the Civil Rights Act of 1964:** The Fair Housing Act prohibits discrimination in housing and housing related transactions based on race, color, religion, sex, national origin, disability and familial status. It applies to housing regardless of federal financial assistance.

**NOTE:** The Resident Selection Plan for the above-mentioned project was revised October 1, 2023.



**RESIDENT SELECTION PLAN**  
**Section 8**  
**Housing Assistance Payments (HAP)**

**PREFACE**

**St. Michael's Community**, a **44+1**-unit apartment community located in **Delaware, OH** is managed by United Church Homes, Inc., a non-profit corporation.

This project was financed through either the Department of Housing and Urban Development (HUD) or a state agency, with either a Direct Loan or a Federally Insured Loan and receives rental assistance through the Housing Assistance Payments (HAP). This community is intended by HUD to provide housing to persons 62 years of age or older, or persons 18 years of age who are physically disabled **and** in need of the special features of the mobility accessible apartments.

Ten percent (10%) of the units have been architecturally altered for accessibility (to various degrees), someone in the family must qualify as "needing" the architecturally altered features to apply for or live in these units. This need may be verified with a professional medical provider. The only units that someone under 62 can qualify for are the "altered" units for the mobility-impaired handicapped/disabled.

**An Elderly family means:**

1. Families of two or more persons, the head of which (or his or her spouse) is 62 years of age or older;
2. The surviving member or members of a family described in paragraph (1) living in a unit assisted under subpart E of this part (Section 202 loans) with the now deceased member of the family at the time of his or her death;
3. A single person who is 62 years of age or older; or
4. Two or more elderly persons living together or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

**A disabled family means:**

1. Families of two or more persons the head of which (or his or her spouse) is a person with disabilities;
2. The surviving member or members of any family described in paragraph (1) of this definition living in a unit assisted with the deceased member of the family at the time of his or her death;
3. A single person with disabilities over the age of 18; or
4. Two of more persons with disabilities living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well-being.

**A person with disabilities means:**

1. Any adult having a physical, mental, or emotional impairment that is expected to be of long-continued and indefinite duration, substantially impedes his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions.

2. A person with a developmental disability, as defined in Section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(8)), i.e. a person with a severe chronic disability that:
  - a. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
  - b. Is manifested before the person attains age 22;
  - c. Is likely to continue indefinitely;
  - d. Results in substantial functional limitation in three or more of the following areas of major life activity:
    - i. Self-care,
    - ii. Receptive and expressive language,
    - iii. Learning
    - iv. Mobility
    - v. Self-direction
    - vi. Capacity for independent living, and Economic self-sufficiency, and
  - e. Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.
3. A person with a chronic mental illness, i.e. a person who has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently, and whose impairment could be improved by more suitable housing conditions.
4. Persons infected with the human acquired immunodeficiency virus (HIV) who are disabled as a result of the infection with the HIV are eligible for occupancy in the Section 202 projects designed for the physically disabled, developmentally disabled, or chronically mentally ill depending upon the nature of the person's disability.

**NOTE:** A person whose sole impairment is alcoholism or drug addiction (i.e. who does not have a developmental disability, chronic mental illness, or physical disability that is the disabling condition required for eligibility in a particular project) will not be considered to be disabled for the purposes of the Section 202 program.

**A nonelderly disabled family means** a family in which the head of the family (and spouse, if any) is less than 62 years of age at the time of the family's initial occupancy of a project.

**Application Process:**

Application packets are provided upon request. The application packet includes an Application and a copy of the Resident Selection Plan. When the completed and signed application is received in the rental office, management staff will sign, date and time stamp the application. The applicant's name is then placed on the waiting list in the order that it is received.

**Income Limits:** The Income Limit Schedule used for this project is the very low-income limit of 50% of the median income and the extremely low-income limit of 30% of the median income. Income limits are established by HUD and change from year to year. An applicant may obtain the current HUD income limits for this project from the on-site management staff. We give preference to extremely-low income families, as required through Income Targeting.

All potentially eligible, qualified applicants will be considered in accordance with the HUD approved Affirmative Fair Housing Marketing Plan (HUD Form 935.2). We use, as guidance, the criteria specified by the United States Department of Housing and Urban Development (HUD) in the most current version of the HUD Handbook 4350.3 including all changes but recognize that it does not have the full force and effect of law. It is our policy to comply with all applicable legislation protecting the individual rights of applicants and tenants.

**This project is an Equal Opportunity Employer and Housing Provider. We do not discriminate based on race, color, religion, sex, national origin, disability, familial status, or socio-economic status in the employment of staff, accepting and processing of applications, selection of tenants, assigning of units or the certifying and re-certification of eligibility for assistance and all other aspects of continued residency. Equal access to housing is provided regardless of Sexual Orientation or Gender Identity, or marital status.**

**Income Targeting:** The Department of Housing and Urban Development (HUD) has established new Income Targeting requirements. These requirements apply to HUD projects receiving Section 8 funding through the Housing Assistance Payments (HAP) Contract.

The Income Targeting requirements stipulate that 40% of the units that become available each year must be rented to the Extremely Low-Income (ELI) households, Extremely-Low Income families are defined as families whose incomes do not exceed the higher of: Federal Poverty Level, or 30 percent of Area Median Income.

Once the requirement is met and in chronological order, management is permitted to go to the other applicants on the Waiting List. Due to this requirement, management is permitted and required by HUD to skip over higher-income applicants. If a higher income applicant is skipped over, that applicant will retain their place on the waiting list.

Applications submitted indicating that their household income does not exceed the higher of the Federal Poverty Level or 30% of the Area median income, will be placed on a Waiting List in chronological order based on the date the application was received by management. The applicant's name, phone number, unit size and/or location preference (if indicated by applicant) will be placed on the Waiting List. To comply with Income Targeting, management will place the symbol ELI (Extremely Low-Income) next to the applicant's name as a code, which is to be used to distinguish the Extremely Low-Income applicants from the other applicants on the Waiting List.

It is the intent of management to put forth a reasonable effort into marketing to households earning 30% or less of the median income. After a reasonable marketing period, management is unable to fill all the units with families meeting the Extremely Low-Income requirement; management is permitted to rent to other eligible families.

**Declaration of Citizenship:** Section 214 of the Housing and Community Development Act of 1980, as amended, prohibits the Secretary of HUD from making financial assistance available to persons other than United States citizens, nationals, or certain categories of eligible non-citizens.

Anyone receiving assistance is required to declare U.S. Citizenship or submit evidence of eligible immigration status for each family member living in the household. Management will provide “Declaration” forms for the household members to complete. Failure to complete the required forms or providing false information may result in the rejection of the application or termination of HUD subsidy.

### **Temporary Deferral of Termination of Assistance:**

Currently assisted families that have no eligible members and those that qualify only for prorated assistance and choose not to accept the partial assistance are eligible for temporary deferral of termination of assistance. The deferral allows the family time to find other suitable housing before HUD terminates assistance. During the deferral period, the family continues to receive its current level of assistance. The initial deferral period is for six months and may be extended for an additional six-month period not to exceed 18 months.

### **Eligibility of Students for Assistance**

Section 8 assistance shall not be provided to any individual who:

1. Is enrolled as either a part-time or full-time student at an institution of higher education for the purpose of obtaining a degree, certificate, or other program leading to a recognized educational credential; and
2. is under 24 years of age; and
3. is not a Veteran of the United States Military; and
4. is unmarried; and
5. does not have a dependent child; and
6. Is not a person with disabilities, as such term is defined in 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437 a(b)(3)(E)) and was not receiving section 8 assistance as of November 30, 2005; and
7. Is not living with his or her parents who are receiving Section 8 assistance; and
8. Is not individually eligible to receive Section 8 assistance \*or\* has parents (the parents individually or jointly) who are not income eligible to receive Section 8 assistance.

**NOTE:** Unless the student can demonstrate his or her independence from parents, the student must be eligible to receive Section 8 assistance **and** the parents (individually or jointly) must be eligible to receive Section 8 assistance in order for the tenant to receive Section 8 assistance.

For a student to be eligible independent of his or her parents (where the income of the parents is not relevant), the student must demonstrate the absence of, or his or her independence from, parents. While owners may use additional criteria for determining the student’s independence from parents, owners must use, and the student must meet, at a minimum all of the following criteria to be eligible for Section 8 assistance. The student must:

1. Be of legal contract age under state law;
2. Have established a household separate from parents or legal guardians for at least one year prior to application for occupancy or meet the U.S. Department of Education’s definition of an independent student\***see page 6**.
3. Not be claimed as a dependent by parents or legal guardians pursuant to IRS regulations; and
4. Obtain a certification of the amount of financial assistance that will be provided by parents, signed by the individual providing the support. This certification is required even if no assistance will be provided.

Further, when demonstrating the eligibility of a person to receive assistance, (**except** for a person over

the age of 23 **with** dependent children) any **financial assistance** in excess of amounts received for tuition that a student receives under the Higher Education Act of 1965, from private sources, or an institute of higher education, **will be counted as income**. Student loans are excluded from income eligibility calculations. Although you will be required to verify the money received is indeed Loans, not financial aid.

\*U.S. Department of Education's definition of "independent student" which now applies is: a. The individual is 24 years of age or older by December 31 of the award year; b. The individual is an orphan, in foster care, or a ward of the court or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older; c. The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence; d. The individual is a veteran of the Armed Forces of the United States (as defined in subsection (c)(1) of HEA) or is currently serving on active duty in the Armed Forces for other than training purposes; e. The individual is a graduate or professional student; f. The individual is a married individual; g. The individual has legal dependents other than a spouse; h. The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth (as such terms are defined in section 725 of the McKinney-Vento Homeless Assistance Act) (42 U.S.C. 11431 *et seq.*), or as unaccompanied, at risk of homelessness, and self-supporting, by-(i) a local educational agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act; (ii) the director of a program funded under the Runaway and Homeless Youth Act or a designee of the director; (iii) the director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or (iv) a financial aid administrator; or I. The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances. Refer to the Federal Register, Docket No. FR-5969-N-01.

## **RESIDENT SELECTION PLAN & SCREENING CRITERIA**

Throughout the tenant selection procedures (detailed on the following pages), an applicant with disabilities is entitled to reasonable accommodations in rules, policies, practices or services and/or reasonable modifications of existing premises to afford equal opportunity to use and enjoy a dwelling. This entitlement continues once a handicapped applicant becomes a resident. Requested accommodations and modifications to premises are not reasonable if they would result in an undue administrative and financial burden or result in the fundamental alteration in the nature of a program.

**If an application is submitted to management or an applicant is on a Waiting List, it does not mean that the applicant qualifies for housing. This can only be confirmed after the screening and verification process has been completed.**

### **Filling Vacancies from a Waiting List**

***It is this project's policy to move residents from the approved in-house transfer list before going to the outside waiting list. (Refer to item 1 Transfers under General Information, page 19) Applicants will be selected for residency on a "first-come, first-serve" basis. Eligible applicants, for whom no appropriate type/size apartment is available, will be placed on a Waiting List. An applicant's position on the Waiting List will be determined by the date and time the completed application is returned to the housing community. When an apartment becomes available, management will notify the next available person on the Waiting List and management will proceed with screening of the applicants. Applicants are responsible for notifying management of a change of address and/or telephone number.***

**Please Note: It is the policy of this housing project not to “close” the Waiting List.**

### **Screening of Applicants**

All applicants for tenancy who satisfy the federal statutory requirements for eligibility and who meet the facility’s legitimate and uniformly applied requirements of tenancy are admissible into the housing community. The facility’s legitimate requirements of tenancy include an ability to pay rent on time, meet HUD requirements and other legitimate terms and conditions of the facility’s lease.

### **Disclosure of Social Security Numbers**

Applicants must disclose social security numbers (SSNs) for all household members in order for **Resident Selection Plan cont’d - HAP** management to make an eligibility determination.

Requirements: The head of household/spouse/co-head must disclose SSNs for all family members who declare themselves to be U.S. citizens, U.S. Nationals or eligible noncitizens and provide one of the documents listed below for each household member prior to move-in.

Required Documentation: Applicants must provide documentation of SSNs. Acceptable documentation includes:

- Original Social Security Card
- Driver’s license with SSN
- Identification card issued by a Federal, State or local agency, a medical insurance provider, or an employer or trade union
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Benefit award letter
- Retirement benefit letter
- Life insurance policy
- Court records

**Provision for Accepting Applicants without documentation of Social Security Numbers:** A family may be placed on the waiting list if the head-of-household has submitted a valid social security number. However, the household cannot be deemed eligible for admission until all family members has submitted social security numbers.

The requirement for disclosure of a social security number does not apply to individuals in mixed families who do not contend eligible immigration status under HUD’s noncitizens regulations.

In accordance with 24 CFR 5.216, applicants and participants (including each member of the household) are required to disclose his/her assigned SSN, with the exception of the following individuals:

- a. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States). These individuals in most instances would not be eligible for a SSN.

1. A family that consists of a single household member (including a pregnant individual) who does not have eligible immigration status is **not eligible** for housing assistance and cannot be housed.
  2. A family that consists of two or more household members **and at least one** household member that has eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR 5.520. The Owner/Agent may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.
- b. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid O/A's may confirm HUD's validation of the participant's SSN by viewing the household's *Summary Report* or the *Identity Verification Report* in the EIV system.

Existing program participants as of January 31, 2010, who were 62 years of age or older, and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit, provided the initial program eligibility was determined prior to January 31, 2010. Disclosure of SSNs is considered information subject to the Federal Privacy Act (5 USC 552a, as amended). In accordance with 24 CFR 5.212, the collection, maintenance, use, and dissemination of SSNs, any information derived from SSNs and income information must be conducted, to the extent applicable, in compliance with that Act and all other provisions of Federal, State, and local law.

**Note:** There is no provision under HUD regulations which prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, some state laws prohibit an individual with ineligible immigration status from executing a contract (i.e. lease or other legal binding documents). If this is the case in your state, the family must **not** be admitted into the program.

If an applicant has not disclosed and/or provided verification of SSN's for all non-exempt household members when a unit becomes available, the unit will be offered to the next eligible applicant on the list. The applicant will then have 90 days from the date they are first offered an available unit to disclose and/or verify SSN's for all non-exempt household members. Note: If the owner has determined that the applicant is otherwise eligible for admission into the property, and the only outstanding verification is that of disclosing and providing verification of the SSN, the applicant may retain his or her place on the waiting list for the 90-day period during which the applicant is trying to obtain documentation. After 90 days, if the applicant has been unable to supply the required SSN and verification documentation for all non-exempt household members, the applicant will be deemed ineligible and removed from the waiting list.

An applicant household that includes an applicant family member who is under the age of six (6), who does not yet have a SSN assigned to him/her and was added to the household 6 months or less from the move-in date will be accepted. The Applicant Household has 90 days from the effective date of their move-in certification to provide documentation of the SSN for the child. An extension of one additional 90-day period will be granted if the applicant's failure to provide documentation of a SSN is due to circumstances that are outside the control of the household, e.g. delay in processing by SSA, natural disaster, fire, death in family, etc.

**Eligibility Forms:** All applicants for tenancy must satisfy federal requirements through the process of



eligibility forms. The eligibility forms, referred to as the “paperwork”, must be signed by the applicant. There will be several forms requiring the applicant’s signature and completion by a third-party provider. Management will send the “paperwork” to the appropriate third parties for verification of the applicant’s income, assets, allowable expenses, etc.

All eligibility forms must be returned in a reasonable time, which is usually considered to be a time period of two weeks or less. Special circumstances may exist which prevent the return of all necessary forms in the anticipated two-week time frame. When this happens, communication between applicant and management is of the utmost importance. If the required paperwork is not returned in a “reasonable time” and the applicant fails to communicate continued interest, management may offer the apartment to the next person on the waiting list.

**Need for Accessible Unit:** To certify an applicant’s eligibility for an accessible unit, all applicants shall complete the form entitled “Verification of Need for Accessible Unit.” No other criteria shall be used, or inquiry made to exclude an applicant(s) for an accessible unit based upon his or her handicap status. Applicants who meet the federal statutory eligibility criteria and the legitimate requirements for tenancy and who have other physical and/or mental handicaps or disabilities cannot be excluded on the basis that they have these other handicaps or disabilities.

Should the applicant(s) request a unit with special features to accommodate their handicap, management may make inquiries to determine whether the applicant(s) is qualified for a dwelling unit that is available only to persons with handicaps or to persons with a particular type of handicap. Management will modify the application process as a reasonable accommodation to persons with handicaps. However, all screening factors apply to all applicants.

**Supportive Services:** The management and owner do not provide any kind of supportive living services or any services that require licensing. The resident and/or their family may make private arrangements to accomplish this need

**Applicant Screening Criteria:** All applicants age 18 or older will be screened for suitability prior to residency. Screening criteria will be applied consistently to all applicants, consideration of extenuating circumstances will be considered in the screening process. All screening costs are charged to the project and not to the applicant. Screening criteria include: rental history, criminal history, sex offender, and credit history.

### **Rejection of an Application**

Project management may reject an otherwise qualified applicant whose background indicates that he or she will not satisfy the legitimate and uniformly applied requirements of tenancy. A unit need not be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

In reviewing the information received and determining whether an applicant(s) is able to meet the legitimate requirements of tenancy, the facility management shall consider mitigating or extenuating circumstances of all applicants or tenants.

Rejection of an application may occur if the following background information is received:

**1. Rental History:** Unacceptable rental history received regarding an applicant’s ability to meet legitimate requirements of tenancy, i.e.: nonpayment of rent, failure to cooperate with applicable recertification procedures, violations of house rules, violations of lease, history of disruptive behavior,

housekeeping habits, terminations of assistance for fraud, evictions & judgements.

**2. Criminal History/Background Checks:** Criminal background checks are done for any household member listed on the application. Criminal history background checks will be performed in the state where the housing is located and in other states where the household members are known to have resided. Applicants must not have criminal convictions in the past 10 years for any crime of violence theft or fraud. This would also include convictions involving the illegal manufacture or distribution of a controlled substance, convictions for illegal use of a controlled substance. Any criminal activity that establishes that the household tenancy might constitute a direct threat to the health or safety of other individuals or result in substantial physical damage to the property of others.

**3. Sex Offender:** Any member of the household is subject to a lifetime registration requirement under a state sex offender registration program. Sex offender checks will be performed in the state where the housing is located and in other states where the household members are known to have resided. Persons on a lifetime sex offender registration list are not eligible for occupancy.

**4. Credit Report:** When requesting criminal background checks from a third-party vendor, a credit report will be searched to verify any social security numbers as stolen or any judgments or money owed to current or former landlords. Applicants will not be rejected for poor credit except for money owed to current or former landlords.

**5. Misrepresentation:** An applicant's or household's intentional misrepresentation of information relevant to a determination of eligibility, including financial capacity or ability to satisfy the legitimate and uniformly applied requirements of tenancy.

**Admission to the facility will be prohibited to applicants who fit into the following categories. The owner reserves the right to deny admission to federally assisted housing if:**

- Any household member has been evicted from federally-assisted housing for drug-related criminal activity, for three (3) years from the date of eviction. If the evicted household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program or circumstances leading to the eviction no longer exist, the owner may, but is not required to, admit the household.
- Any household member is currently engaging in illegal drug use.
- The owner determines that there is reasonable cause to believe that a household member's illegal use or a pattern of illegal use of a drug may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. (Examples: criminal records, former landlord references, etc.)
- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- It is determined that there is reasonable cause to believe that a household member's abuse or pattern of abuse of alcohol interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents.
- Unlawfully obtaining government assistance.
- Any household member is listed on the US Treasury Department OFAC-SDN & Blocked Persons list.

**Admission of a household will be prohibited if a member of the household is currently engaging in, or has engaged in during the past 10 years with:**

- Drug-related criminal activity;
- Violent criminal activity which indicates a pattern of violence that may threaten the safety of

- residents or staff. Violent criminal activity includes sex crimes and crimes against children;
- Other criminal activity that would threaten the health, safety, or right to peaceful enjoyment of the premises by other residents; or
  - Other criminal activity that would threaten the health or safety of HUD, Contract Administrator, PHA, or owner or any employee, contractor, subcontractor or any of their agents who are involved in the housing operations.
  - Admission will be denied to any applicant who has been incarcerated for the commission of a violent/drug felony, unless a minimum of 5 years has passed since the date he or she completed the sentence.

**6. Project management may reject an applicant who fails to:**

- Meet federal eligibility standards such as:  
Income Requirements and Age Requirements (where applicable)
- Sign required HUD “Notice and Consent for the Release of Information” and “Applicant’s/Tenant’s Consent to the Release of Information”
- Sign “Eligibility Forms” for verification of household income, assets, medical, and any other required verification for eligibility
- Provide current address and/or telephone number
- Pay their Security Deposit at move-in. Management must collect a Security Deposit at the time of the initial Lease execution. The resident is expected to pay the Security Deposit from his/her own resources, and/or other public or private sources. An applicant may be rejected if he/she does not have sufficient funds to pay the Security Deposit.

**7. Three Strikes, You’re Out:** Management will notify the applicant when a suitable apartment may become available. The applicant may refuse an available apartment two times without jeopardizing his/her position on the Waiting List. However, if an available apartment is offered and refused a third time or if management is unable to reach the applicant at the address/ telephone number provided, the application will be canceled, and the person’s name removed from the waiting list.

**8. Notification of Rejection:** An applicant who is denied admission will be notified in writing of the reasons(s) for the rejection. The applicant has fourteen (14) days to respond in writing or to request a meeting to discuss the rejection. If an applicant has disabilities, they may inform Management of this fact and request “reasonable accommodations” (changes in the site’s nonessential policies and practices), which would give the applicant(s) an equal opportunity to pursue the application process.

Project management will follow the guidelines, as directed in the HUD Handbook 4350.3 for the rejection appeal process.

**General Information**

**1. Transfers:** We will first assign units to in-place residents who have demonstrated a need for a change in housing before offering units to applicants on the Waiting List. This will be done in chronological order based on the date of the notification that was received by management from the resident.

If a resident makes a written request for special features in support of a documented disability or handicap, the Manager shall have the choice to modify the resident’s existing unit or transfer the resident with disabilities to another unit with the features requested.

A resident without disabilities and handicaps who is housed in a unit with special features must transfer to a unit without such features, should someone with disabilities need to move into a unit with special features. Also, in order to make best use of accessible units, a resident with disabilities, occupying an accessible unit, may be transferred to another accessible unit. Transfers of this type shall be made to permit occupancy of an accessible unit by another disabled person needing the full range of features of the unit.

A resident can request a unit transfer because of:

- a) family size
- b) change in family composition
- c) medical reason, as prescribed by a medical provider
- d) need for an accessible unit
- e) reasonable accommodation

Depending upon the circumstances of the transfer, a resident may be obligated to pay all costs associated with the transfer. However, if a resident is transferred as a reasonable accommodation to a household member's disability, then the project will pay the costs associated with the transfer, unless doing so would be an undue financial and administrative burden. The cost to transfer "resident paid" utilities such as phone and cable, will be the responsibility of the resident. The resident will be charged for any damages to the vacated apartment.

**2. Occupancy Standards:** State and local laws regarding occupancy standards will prevail.

**Studio Apartments and One-Bedroom Apartments:**

Minimum Number of Occupants = 1                      Maximum Number of Occupants = 2

**Two Bedroom Apartments (where available):**

Minimum Number of Occupants = 2                      Maximum Number of Occupants = 4

**3. Household Pets:** Pets are permitted at our communities. Pets are defined as domesticated small animals, such as dogs and cats, traditionally kept in the home for pleasure. A Pet Deposit of \$300 is required and "Pet Ownership Rules" with required documentation apply. Therefore, should an applicant be moving a pet with them to the housing community, they should request from management, a copy of the complete Pet Policy for their review prior to moving.

**4. Assistive Animals:** Applicants with handicaps may use an assistive animal, i.e.: guide dogs for persons with vision impairments, hearing dogs for persons with hearing impairments, and emotional support animals for persons with chronic mental illness. Management may require the applicant(s) to provide justification that the animal may be needed for the individual to have equal opportunity to use and enjoy the housing. This information must be in writing and verified through a professional person and/or institution. Also, additional documentation relating to the assistive animal will be required. This information is listed on the Assist Animal Agreement and all applicants may request this form, from management, prior to move-in.

**Enterprise Income Verification (EIV)**

It is the policy of this apartment community to access the Existing Tenant Search in the Enterprise Income Verification (EIV) as part of the screening criteria for new Tenants. EIV is also used to verify income in the yearly recertification process. In addition, we are required to run a new income report within 90 days after each move-in, a summary report at each certification, and a new hire report at least quarterly.

The Existing Tenant Search is used to:

1. Determine if the applicant or any member of the applicant's household are currently being assisted at another Multifamily Housing or Public and Indian Housing location
2. If the report identifies that the applicant or a member of the applicant's household is residing at another location, the applicant will be given the opportunity to explain any circumstances relative to his/her being assisted at another location.
3. Management will follow up with the respective PHA or O/A to confirm the individual's program status before admission.
4. Management will retain the search results with the application, along with any documentation obtained as a result of contacts with applicant and PHA or O/A at other location.

EIV is a web-based computer system containing income information on individuals participating in HUD's rental assistance programs. This information assists HUD and the management of this community in making sure that the right benefits goes to the right person and that each resident obtains the correct subsidy.

At move-in and for every yearly recertification, management will obtain income information from EIV:

From the Social Security Administration:

- Social Security (SS) Benefits
- Supplemental Security Income (SSI) Benefits
- Dual Entitlement SS Benefits

From the Department of Health and Human Services (HHS) and National Directory of New Hires (NDNH):

- Wages
- Unemployment Compensation
- New Hire (W-4)

Please Note: All information obtained through the EIV system is kept in a confidential file. The only persons who can review this information are you and management staff. However, others may review this information and could include: owners, management agents, service bureau staff, Contract Administrator staff and independent auditors. Such persons are required to agree to HUD's Rules of Behavior to ensure that an adequate level of protection is afforded to the information contained in the EIV system. These Rules of Behavior serve as an administrative safeguard in determining improper disclosure and use of information by individuals who do not have access to the EIV system, but who are in possession of information from EIV provided to them by authorized EIV system users, in order to perform their job.

Each adult household member is required to sign from HUD-9887, Notice and Consent for the Release of Information and form HUD-9887-A, Applicant's/Tenant's Consent to the Release of Information. When signing these required HUD forms, you are giving your consent for HUD and management to obtain information about you to verify your household's income to determine your eligibility for HUD rental assistance. Failure to sign the consent forms may result in the denial of assistance/termination of assisted housing benefits. If you live in a property that works under the Housing Assistance Payment (HAP) program, your rent could be increased to the full contract rent. If you live in a property that works under the Project Rental Assistance Contract (PRAC) program or the 811 program, you may be asked to move. Please ask your housing manager the program type of the property where you live.

The EIV system provides us with your income information and employment history. This information is used to meet HUD's requirement to verify your employment and/or income when you recertify for continued rental assistance. Getting the information from the EIV system is more accurate and less time consuming. Note: There are times that the EIV system is not running; therefore, management will use other sources to obtain 3rd party verification of income.

Management is responsible to use the EIV system to determine if a resident correctly reported their income, used a false social security number, failed to report or under report the income of a spouse or other household member and receives rental assistance at another property. Therefore, it is very important that all household members living at this community provide accurate and honest information (this includes all sources of income) on the application for housing and all forms used to certify and recertify housing assistance. If changes occur in your household income or family composition, immediately contact the manager to determine if this will affect your rental assistance.

Note: Providing false information is fraud. Penalties for providing false information include: eviction, repayment of overpaid assistance received, fines up to \$10,000, imprisonment for up to 5 years, prohibition from receiving any future rental assistance and/or state and local government penalties.

If you do not agree with the income information in EIV, you must tell the manager. The manager will contact the income source directly to obtain verification of the income you disagree with. Once the manager receives the information from the income source, you will be notified in writing of the results.

If the EIV report discloses income from a prior period that you did not report, you have two options: 1) you can agree with the EIV report if it is correct; or 2) you can dispute the report if you believe it is incorrect. In this case, the manager will conduct a written 3rd party verification with the reporting source of income. In both options (1 & 2), should the income information obtained be accurate, you will be required to repay any overpaid rental assistance as far back as five (5) years and you may be subject to penalties if it is determined that you deliberately tried to conceal your income.

EIV has the capability to uncover cases of potential identity theft; someone could be using your social security number. Therefore, if the information in EIV is not about you, you must notify the Social Security Administration by calling them toll free at 1-800-772-1213. Further information on identity theft is available on the Social Security Administration website at: <http://www.ssa.gov/pubs/10064.html>.

If you feel your income or rental assistance is not being calculated correctly, please contact the manager for an explanation. If you need further assistance in this matter, please follow the guidelines as addressed in the RSVP (grievance) policy. This policy is listed in the House Rules and is posted on your community's bulletin board. You also have the right to contact the local HUD office for assistance in this matter.

NOTE: At move-in and at yearly recertification, management will provide you with the "EIV & You" HUD brochure.

### **Violence Against Women and Justice Department Reauthorization Act known as VAWA**

This information is applicable to project-based Section 8 programs, such as this project's Section 8 program called Section 202 Project with Section 8 Assistance (Section 202/8). The Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA 2005 and reinstated in the HUD Reauthorization Act of 2013) protects victims of domestic violence, dating violence, sexual assault, or stalking, as well as their immediate family members generally, from being evicted or being denied

housing assistance if an incident of violence is reported and confirmed.

The VAWA also provides that an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking does not qualify as a serious or repeated violation of the lease nor does it constitute good cause for terminating the assistance, tenancy, or occupancy rights of the victim. Criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking is not grounds for terminating the victim's tenancy. Management may bifurcate a lease in order to evict, remove or terminate the assistance of the offender while allowing the victim, who is a tenant or lawful occupant, to remain in the unit. *Note:* Bifurcate means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family member's lease and occupancy rights are allowed to remain intact.

### **Tenants' Rights and Responsibilities**

Tenants and family members of tenants who are victims of domestic violence, dating violence, sexual assault, or stalking are protected by the VAWA from being evicted or from housing assistance being terminated because of acts of violence against them. Owner/Management responding to an incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking that could potentially

have an impact on a tenant's participation in the housing program may request in writing that an individual complete, sign and submit within 14 business days of the request, the HUD-approved certification form (HUD-5382).

Alternatively, in lieu of the certification form or in addition to it, Owner/Management may accept (i) a federal, state, tribal, territorial, or local police record or court record or (ii) documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance.

The person who provides this information attests under penalty of perjury to his/her belief that the incident in question represents bona fide abuse and the victim of domestic violence, sexual assault, dating violence or stalking has signed or attested to the documentation.

Management will not demand that an individual produce official documentation of physical proof of an individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking in order to receive the protection of the VAWA.

At management's discretion, they may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence. Management will carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.

Management will be mindful of the delivery of the certification form to the tenant keeping in mind that the abuser may monitor all notices and mail. Therefore, management will work with the tenant in making acceptable delivery arrangements.

The identity of the victim and all information provided to management relating to the incident(s) of domestic violence will be retained in confidence by management and will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is: a) requested or consented to by the individual in writing; b) required for use in an eviction proceeding or termination of assistance; or c) otherwise required by applicable law.

The HUD-approved certification (HUD-5382) form provides notice to the tenant of the confidentiality of the form and limits. Management will retain all documentation relating to an individual's domestic

violence, dating violence, sexual assault, or stalking in a separate file that is kept in a separate secure location from other tenant files.

Should it be determined that physical abuse caused by a tenant is clear and present, the law provides management the authority to bifurcate a lease i.e., remove, evict or terminate housing assistance to that individual, while allowing the victim, who lawfully occupies the home, to maintain tenancy. Management understands that the eviction of or the termination action against the individual must be in accordance with the procedures prescribed by federal, state and local law. In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault, or stalking against another household member, an interim recertification will be processed reflecting the change in household composition and occupancy requirements, as listed in the HUD handbook 4350.3 REV-1 will be followed.

It is possible for someone lawfully occupying the unit, who is also a victim, to be evicted or removed from the home. If the victim commits a separate criminal activity, management may evict them for engaging in crime. Furthermore, if a victim poses "an actual and imminent threat to other tenants or those employed at or providing service to the property," they could be evicted, despite the VAWA. Management may not hold the victim to a more demanding standard than other tenants.

Tenants who are victims of domestic violence, dating violence, sexual assault, or stalking may make a request for an internal emergency transfer under VAWA. Tenants who make a request for an internal emergency transfer will be immediately offered a safe unit if one is available. If no units are available, tenants will be placed at the top of the transfer list and will be selected from the transfer list in date order of when they requested an internal emergency transfer.